IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITIONE NO. 418 OF 2007

Mr. Shankar Raghunath Jog,
Son of late Raghunath Jog,
Aged 69 years, married, retired,
Indian National and citizen,
resident of Margawadi, Sancordem,
Via Tiska, Goa. Pin : 403 406 .... Petitioner

V/s

1. The Government of India
Through its Secretary,
In the Ministry of Mines,
New Delhi.

2. Government of Goa,
through the Secretary,
Mines & Geology,
Porvorim, Goa.

3. Mr. Jairam Damodar Amoncar,
Major, Indian National, businessman,
Resident of House No. 341, Indira Sadan,
Aquem Alto, Margao, Goa.

4. Smt. Manikbai Poi Vernekar,
House No. 45, Salembhat,
Merces, P.O. Santa-Cruz,
Goa. Pin: 403 005. .... Respondents

Petitioner in person.

Mr. S.S. Kantak, Advocate General with Ms. L. Dharwadkar, Addl. Govt. Advocate for the Respondents.

Coram : R.S. MOHITE &
N.A. BRITTO, JJ.

Date : 8th OCTOBER, 2007.

ORAL ORDER :

Heard Petitioner in person.

2. Petitioner has filed this petition for a declaration that two leases bearing nos. T.C. No.22/53 and 7/59 are lapsed with retrospective effect from the year 1990. Further relief sought is that Respondents No.1 and 2 should declare that the area coming under the two leases as not available for any kind of major-mineral mining activities on account of the area being of predominantly forest/agriculture/horticultural land and falling within 50 meters of eco-sensitive/eco-fragile zone of the Bondla Widlife Sanctuary of Government of Goa. Further relief sought is to consider on merits the Petitioner's prayers in Writ Petition No. 78 of 2006.

3. The Petitioner had earlier filed Writ Petition bearing No. 78 of 2006 against the same parties for stopping carrying out illegal mining, excavation and dumping works and ore transportation activities without any licence or permission. It appears that in that petition the present Respondents No. 3 and 4 were Respondents No. 12 and 13. Respondents No. 12 and 13 had made a statement that they discontinued the mining operation since March, 2006. Further statement was made that there was no proposal to recommence the mining operation until appropriate clearance is obtained from the competent authority.

4. The petitioner does not contend in this petition that the present Respondents No.3 and 4 have recommenced the mining operation. His contention appears to be that they are making efforts to obtain necessary permission and his fear is that they may obtain the permission through improper means.

5. We cannot draw any such presumption at this stage. Needless to say that at the time of grant of such clearance, eligibility will have to be gone into by appropriate authority. In the circumstances, we refrain from entertaining this petition. The same is hereby dismissed.

R.S. MOHITE, J.

N.A. BRITTO, J.

NH/-